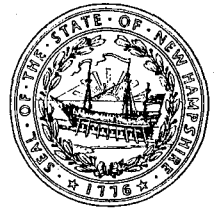


State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2005-14**

May 19, 2005

Mark Weldon
7 Crecent St Apt 7
Pittsfield, NH 03263

RE: DES Wetlands File #2005-00878 Berry Pond Rd, Pittsfield

Dear Mr. Weldon:

On May 4, 2005, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Pittsfield Tax Map 31 as Lot 5(the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700, RSA 482-A, enacted to protect and preserve wetlands and surface waters from unregulated despoliation.

During the inspection the following deficiencies were documented:

1. A pond approximately 50' x 150' in size was dredged in a wetland without a permit.
2. The pond water was turbid.
3. Piles of soil between the foundation and the pond/wetlands were eroding into the wetland including soils mixed with manure.
4. No erosion controls were installed to control stormwater running off of the exposed slopes of the work site or the unstable piles of soils.
5. No stabilization method had been employed to stabilize the banks of the pond.
6. At the northern end of the pond wetlands had been filled, forming a berm between the pond and the adjacent wetland.
7. Water from the pond was trickling through an eroded channel in the berm.
8. Sediment had been deposited in the wetlands to the south and north of the pond.

In response, you are requested to take the following actions:

1. Immediately install silt fence around the pond and associated wetlands. All piles of soil should be contained using a silt fence. A sedimentation control should also be installed to treat the turbid water leaving the pond.

2. Store/reserve the soil dredged from the pond until a permit and restoration plan is approved by DES.
3. Within 3 days of the date of this Letter of Deficiency contact Stacey Herbold, Compliance Specialist, at (603) 271-4062 to discuss options #5a and #5b.
4. Within 7 days of the date of this Letter of Deficiency submit a letter from a certified wetland scientist stating that he/she has been retained to carryout #5 and #6.
5. Within 30 days of receipt of this Letter of Deficiency either:
 - a. Submit a restoration plan to restore the impacted wetlands. Have the plan prepared and stamped by a certified wetland scientist; or
 - b. Submit an "after-the-fact" application (the Standard Dredge and Fill application) and all required attachments in order to obtain a permit to retain the pond. The application should also include a restoration plan addressing restoration of all wetlands impacted outside of the dredged pond including the removal of the berm at the north end of the pond. Have the plan prepared and stamped by a certified wetland scientist.

The following should be included with the restoration plan referred to in #5a and #5b:

- a. A plan with dimensions, drawn to scale, showing:
 1. Pre-existing conditions (before dredging of the pond), with wetland boundaries;
 2. Existing conditions (after dredging of the pond), with wetland boundaries; and
 3. Proposed conditions after restoration/project is completed.
 - b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
 - c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
 - d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.
 - e. A description of the method used to document success for the restoration project and provisions for the submittal of monitoring reports. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project.
6. Retain a qualified wetland scientist to supervise the implementation of the restoration plan and to submit the restoration progress reports.
 7. Implement the restoration plan only after receiving written approval and as conditioned by DES.

Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation

of RSA 482-A.

Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Stacey Herbold, Compliance Specialist
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Stacey Herbold at (603) 271-4062.

Sincerely,

Imag. Document for
COPY

Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7004 0750 0003 0561 8255

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit
Pittsfield Conservation Commission
Pittsfield Board of Selectmen
Pittsfield Code Enforcement
USACOE